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Attorney for Charles C. Johnson

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

NATIONAL ABORTION FEDERATION

Plaintiff,

v.

CENTER FOR MEDICAL PROGRESS, *et al*

Defendants.

Case No.: 15-CV-03522-WHO

**MOTION TO QUASH THE SUBPOENA
OF CHARLES C. JOHNSON**

Date: Dec. 9, 2015

Time: 2:00pm

Location: Courtroom 2, 17th Floor

Re: Dkt. Nos. 185, 191, and 192

JOHNSON'S MOTION TO QUASH SUBPOENA

PLEASE TAKE NOTICE that on December 9, 2015, at 2:00pm, in Courtroom 2, 17th Floor of the United States District Court for the Northern District of California, 450 Golden Gate Ave., San Francisco, CA 94102, the undersigned counsel for Charles C. Johnson (hereinafter "Johnson") shall move for an order to Quash the Subpoena served upon Johnson.

Johnson seeks to quash Plaintiff National Abortion Federation's October 30, 2015 subpoena for documents because it impermissibly seeks the expedited production of documents from Johnson on November 6, 2015. In particular, Plaintiff's subpoena for documents should be

1 quashed because it does not allow Johnson a reasonable time to comply, *see* Fed. R. Civ.
2 P.45(d)(3)(A)(i).

3 Johnson therefore respectfully requests that Johnson's Motion to Quash Subpoena be
4 granted.

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6 Respectfully submitted this 2nd day of November, 2015.

7 Meuser L. Group, Inc.

8
9 /s/ Mark P. Meuser

10 Mark P. Meuser, SBN 231335

11 Attorney for Charles C. Johnson
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MEMORANDUM OF POINTS AND AUTHORITIES

On November 1, 2015, Charles C. Johnson (“Johnson”) was served a Subpoena to Testify at a Deposition scheduled for November 6, 2015. This Deposition also requested that Johnson produce documents at his Deposition. (See Exhibit 1 attached to the declaration of Meuser). Served with a copy of the Subpoena was a copy of this Court’s order, Document 185.

Fed. R. Civ. P. 45(d)(3)(A) (i) requires that a subpoena be quashed “On timely motion” where the subpoena “fails to allow a reasonable time to comply”.

Fed. R. Civ. P. 30(b)(2) permits a party to issue a subpoena *duces tecum* pursuant to Rule 34.

Fed. R. Civ. P. 34(b)(2)(A) allows a person served with a request for production of documents at least 30 days to object to the request for production.

In this case, Plaintiff National Abortion Federation has served a subpoena *duces tecum* allowing Johnson only five days to produce documents. Plaintiff by noticing this deposition on such short notice is violating Federal Rules and has not given Johnson adequate time to file proper objections.

Johnson hereby requests this Court to quash the subpoena *duces tecum* scheduled for November 6, 2015. By filing this motion, Johnson is not waiving his right to any other objections that he might have to National Abortion Federation’s request for production of documents under any applicable rule, law, or the Constitutions of the United States or the State of California.

Respectfully submitted this 2nd day of November, 2015.

Meuser L. Group, Inc.

/s/ Mark P. Meuser
 Mark P. Meuser, SBN 231335
 Attorney for Charles C. Johnson